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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,262	02/22/2005	Akira Nakano	MATS:057	5009

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EXAMINER

WEINSTEIN, LEONARD J

ART UNIT	PAPER NUMBER
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3746

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary

Application No.

10/525,262

Applicant(s)

NAKANO ET AL.

Examiner

Leonard J. Weinstein

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date 02/22/2005.
- 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. Figures 6-9 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. The term "the guiding wall shows like letter U" in claim 6 is a relative term which renders the claim indefinite. The term "like letter U" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The term fails to positively define the shape of the guiding wall because of the recitation of "like" and renders the claim indefinite.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1-3 and 5 are rejected under 35 U.S.C. 102(a) as being anticipated by Lee et al. 6,446,454. Lee teaches all the limitations as substantially claimed for a hermetic compressor including: an electric motor unit 8, a compressing unit 18 driven by the electric motor unit 8, a hermetic container 6 accommodating the electric motor unit 8 and the compressing unit 18, and the compressing unit 18 comprising a suction valve (col. 3 ll. 47) disposed at an opening of a compressing room and a suction muffler (fig. 6) having a suction muffler body 200 for forming a sound-deadening space 24b, a first communicating path 26 for communicating with the suction valve (col. 3 ll. 47) and with the sound-deadening space 24b, and a second communicating path 25 for communicating with the hermetic container 18, via 22 and with the sound-deadening space 24b, wherein an opening, section of element 26 facing to element 42, situated in the sound-deadening space 24b of the first communicating path 26, and an opening, section of element 25 facing element 42, situated in the sound-deadening space 24b, of the second communicating path 25 are open in a substantially identical direction (fig. 6), and wherein a wall 50 of the suction muffler body 200 has a sound-insulating wall 42 at a place at least confronting both of the openings, sections of elements 25 and 26 facing element 42, situated in the sound-deadening space 24b; a sound-insulating wall 42 is formed as a part of the suction muffler body 200 (fig. 6); a sound-insulating wall 42 and a wall 50 of the suction muffler body form a blocked space (fig. 6); and a sound-insulating wall 42 that works as a

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guiding wall for guiding gas sucked from a second communicating path 25 to a first communicating path 26 smoothly (fig. 6).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. 6,446,454 in view of Fagotti et al. 5,971,720 and Ono et al. 6,155,067. Lee teaches all the limitations as substantially claimed for hermetic compressor including a sound-insulating wall 42 disposed vertically with respect to an opening face of a suction muffler body 200 (fig. 6) but fails to teach the limitation that is taught by Fagotti for a suction muffler formed of at least two components, elements 15 and 13 (fig. 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a suction muffler to be formed of a resin material and at least two part in order to provide improved thermal insulation (Fagotti – col. 1 ll. 31-35). With respect to a suction muffler being made from a synthetic resin, Fagotti teaches a suction muffler made of plastic (col. 2 ll. 13-17) and it is well known in the art that synthetic

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resin is a derivative form of plastic. Ono teaches a suction muffler 16 made of a synthetic resin (Ono – col. 4 ll. 39-43) for the purposes of providing a suction muffler with low thermal conductivity (Ono- col. 2 ll. 25-26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a suction muffler for a hermetic compressor made from plastic being of the synthetic resin type in order to provide a muffler with a low thermal conductivity (Ono- col. 2 ll. 25-26).

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. 6,446,454 in view of Myung et al. 2002/0090305. Lee teaches all the limitations as substantially claimed for hermetic compressor but fails to teach the limitation that is taught by Myung for a sound-attenuating wall working as a guide wall 131 within a suction muffler body having a U-shaped cross-section when viewed from a sectional perspective. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the sound attenuating wall 24b of Lee in to the shape of a U in order to minimize the resistance to flow of refrigerant within a suction chamber of a hermetic compressor (Myung - ¶0030).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are cited on form 892 herewith.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard J. Weinstein whose telephone number is 571-272-9961. The examiner can normally be reached on Monday - Thursday 7:00 - 5:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



LJW



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